

Chapter 19.650***Approving and Appeal Authority*****19.650.010 Purpose**

This Chapter identifies the designated Planning Agency, as identified in Chapter 19.050 (Administrative Responsibility), for the review of the land use development permits and actions required by the Zoning Code.

19.650.020 Designated Approving Authority**A. General Provisions**

The Approving and Appeal Authority, as designated in Table 19.650.020 (Approving and Appeal Authority), shall approve (in full or in part), conditionally approve (in full or in part), modify or deny (in full or in part) applications in accordance with the requirements of the Zoning Code. Table 19.650.020 (Approving and Appeal Authority) identifies both recommending (R) and final (F) authorities for each application. When a proposed project requires more than one permit, the permits shall be processed pursuant to Section 19.650.030 (Concurrent Processing of Land Use Development Permits (LUDP)).

B. Appeals

An action of the Approving or Appeal Authority may be appealed pursuant to procedures set forth in Chapter 19.680 (Appeals).

C. Approval Authority on Referral

1. Referral to another Approving Authority. – The Approving Authority, instead of taking any action, may refer the matter to another Approving Authority. For example, the Zoning Administrator may refer a minor conditional use permit to the Planning Commission, which then acts in the capacity of the Zoning Administrator. The action of the Appeal Authority following referral may be appealed to the City Council. Action taken by the City Council is not subject to an appeal.
2. Referral of Minor Conditional Use Permits, Variances and Administrative Environmental Initial Studies by City Council – All decisions of the Zoning Administrator on a minor conditional use permit, variance or administrative environmental initial study shall be transmitted to the City Council. Any member of the City Council may refer the matter for consideration on the City Council's discussion calendar agenda. If not referred by the City Council, or otherwise appealed, within 10 days of transmittal, the Zoning Administrator's action is final (See Section 19.690.020 A – Effective Date of Permits and Actions).

19.650.030 Concurrent Processing of Land Use Development Permits (LUDP)

When a proposed project requires more than one permit application with more than one Approving or Appeal Authority, all project permits shall be processed concurrently as interrelated permits for a single project. The highest designated Approving or Appeal Authority for all such requested permits shall take final action on multiple permit applications. For example, the Planning Commission takes final action on a tentative tract map. However, when processed in conjunction with a Development Agreement, the tentative tract map shall be reviewed and acted upon by the City Council in conjunction with the other application request(s). The Planning Commission provides recommendations to the City Council on both entitlement requests.

Table 19.650.020
Approving and Appeal Authority

Type of Permit or Action	Approving and Appeal Authority		
	Zoning Administrator (ZA)	City Planning Commission	City Council ⁽¹⁾
<i>Administrative Discretionary Permits/Actions (No Public Hearings Required)</i>			
Zoning Code Interpretation	F	A	A
Administrative Design Review ⁽²⁾	A	A	A ⁽²⁾
Minor Conditional Use Permit	F	AR	AR ⁽⁵⁾ /A
Temporary Use Permit	F ⁽³⁾		
Nonconforming Determination	F	AR	A
Time Extensions (Permit or Variance)	F	AR	A
Variance	F	AR	AR ⁽⁴⁾ /A
Fair Housing and Reasonable Accommodation	F	AR	AR ⁽⁴⁾ /A
Day Care Large Family Home – Permit	F(6)	AR	A
Recycling Center Permit	F		AR/A
Administrative Environmental Initial Study	F	AR	A
<i>Discretionary Permits and Actions (Public Hearing Required)</i>			
Conditional Use Permit		R	F
Planned Residential Development Permit		R	F
Condominium Conversion Permit		R	F
Site Plan Review		R	F
Design Review ⁽²⁾		F ⁽²⁾	A ⁽²⁾
Accessibility Appeals (Building Official decisions relating to access)		F	A
Airport Land Use Commission Appeals			A
Street Vacations		R	F

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Type of Permit or Action	Approving and Appeal Authority		
	Zoning Administrator (ZA)	City Planning Commission	City Council ⁽¹⁾
Traffic Pattern Modification Measures		R	F
<i>Legislative Actions (Public Hearing Required)</i>			
General Plan Text/Map Amendment		R ⁽⁴⁾	F
Zoning Code Text/Map Amendment		R ⁽⁴⁾	F
Specific Plan and Amendments		R ⁽⁴⁾	F
Development Agreement and Amendment		R	F
Annexation or Detachment		R	F
<p>R = Recommending Authority; F = Final Approving Authority (unless appealable); A = Appeal Authority; AR = Approving Authority as Zoning Administrator on Referral</p> <p>Notes:</p> <p>(1) Decisions of the City Council cannot be appealed.</p> <p>(2) Planning Commission primary design review responsibility is limited to concurrent review with another case for which the Planning Commission has approval authority (Refer to Section 19.710.035 – Review Responsibilities of Planning Commission or Zoning Administrator). Appeal of Planning Commission action on design review is first to the City Council Land Use Committee with final action by the full City Council.</p> <p>(3) Appeal of an action on a Temporary Use Permit shall be appealed to the City Manager. The City Manager's decision is final.</p> <p>(4) If denied by the Planning Commission, the action is final unless appealed to the City Council (See Section 19.680.020 B – Appeal Authority).</p> <p>(5) See Section 19.650.020 C – Designated Approving Authority</p> <p>(6) An applicant or affected person(s) may request a hearing before the Planning Commission.</p>			